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FOR MYSORE STATE

Development (1950) Department

Ms. SERIES.

G.O. No. 3810

Dated 26th September 1950

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[Despatch Abstract.]

3810
26-9-50

Acts and Rules - The Madras Land Improvement Schemes (Contour Building and Contour Trenching) Rules 1950 - Published.

GOVERNMENT OF MADRAS
Abstract

ACTS AND RULES - The Madras Land Improvement Schemes (Contour Bunding and Contour Trenching) Rules, 1950 - Published.

Development Department.

G.O.Ms.No.3810. Dated the 26th September 1950.

Read the following:--

From the Director of Agriculture No.Y.1.814/49, dated 26-2-50.
From the Board of Revenue B.P.Mis.No.275, dated 7-3-50.
From the Director of Agriculture No.Y.1.814/49, dated 28-4-50.
From the Board of Revenue L.Dis.No.S.3820/50, dated 11-5-50.
From the Director of Agriculture No.Y.1.814/49, dated 8-9-50.

ORDER

The notification appended to this order will be published in English and in Tamil, Telugu, Malayalam, Kannada and Hindustani languages in the Fort St.George Gazette.

2. The Senior Translator to Government is requested to furnish the Superintendent, Government Press, with the requisite translations.

(By Order of His Excellency the Governor).

P.S.Viswanatha Ayyar,
Secretary to Government.

To the Superintendent Government Press.
To the Senior Translator Govt.
To the Board of Revenue
To the Director of Agriculture

(True Copy)

APPENDIX.

THE MADRAS LAND IMPROVEMENT SCHEMES (CONTOUR BUNDING AND CONTOUR TRENCHING) RULES. 1950

In exercise of the powers conferred by section 23 of the Madras Land Improvement Schemes (Contour Bunding and Contour Trenching) Act, 1949 (Madras Act XXII of 1949), His Excellency the Governor of Madras hereby makes the following rules:--

1. These rules may be called the Madras Land Improvement Schemes (Contour Bunding and Contour Trenching) Rules, 1950.

2. In these rules unless there is anything repugnant in the subject or context:-

(a) "the Act" means the Madras Land Improvement Schemes (Contour Bunding and Contour Trenching) Act, 1949 (Madras Act XXII of 1949)

(b) "Assistant Agricultural Engineer". means any person appointed by the Government to exercise the powers of an Assistant Agricultural Engineer;

C.F.

(c). "Joint Director of Agriculture" means any person ppointed by the Government to exercise the powers of a Joint irector of Agriculture;

(d) "section" means a section of the Act.

3. Publicity shall be given to the appointment of the officer referred to in sub-section (1) of section 4 by notification in theFort St. George Gazette and the District Gazette or District Gazettes of the district or districts in which the lands proposed to be included in the scheme are situated.

4. Publicity for the draft scheme shall be given by hand bills which shall be distributed freely through village officers and a copy of which shall also be affixed in the village chavadi or in any conspicuous place in the village or villages in which the lands proposed to be included in the scheme are situated.

5. The amount payable under sub-section (1) or sub-section (4) of section 9, if not paid in a lump sum, shall be paid, together with interest at the same rate as that chareable for loans under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), in equated annual instalments not exceeding twenty in number; the amount of each instalment shall be paid within fifteen days from the date of receipt of intimation of the amount payble from the Collector of any officer authorised by him in this behalf. The first annual instalment shall not become payable until two years after the completion of the work.

6. Where there are two or more owners in respect of the same land, the amount payable under sub.section (1) or sub-section (4) of section 9, shall be apportioned among such owners in proportion to the areas they enjoy, which shall be decided by a summary enquiry by the Executing Officer with reference to the relevant records.

7. On completion of the work, the Executing Officer shall report to the Collector the amount due from the land owners benefited by the scheme. The Collector shall thereupon serve individual notices on the persons concerned to pay the amount payable under sub-section (1) or (4) of section 9 in a lumpsum or in instalments as contemplated under sub-section (5) of section 9. The person concerned shall exercise their option within one month from the date of receipt of such notices. If no reply is received from any of them within the said period, the amount shall be paid by him in one lump sum after the end of two years from the date of completion of the work. The Collector shall serve a notice to that effect on the person concerned as soon as possible after the expiry of the period of one month allowed for the exercise of the option referred to above. He shall also serve a further notice on the person concerned immediately after the end of two years from the date of completion of the work, directing such person to pay the lump sum within two months from the date of receipt of the notice.

8. Service of a notice under sub-section (3) of section 5 shall be made by delivering or tendering a copy thereof signed by the Executing Officer on the person therein named whenever it may be practicable. When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place of the office of the Executing Officer or of the Collector and also in the village Chavadi.

9. The notice under sub-section (2) of section 9 shall be in writing and shall state that the owner is prepared to execute the works himself as and when required and according to the specifications laid down by the Executing Officer. It shall be signed by the owner and shall be handed over in person to the Executing Officer or sent to him by registered post acknowledgment due.

10. The notice under sub-section (3) of section 9 shall be served on the owner in the same manner as the notice under sub-section (3) of section 5.

11. The record of rights and liabilities referred to in sub-section (1) of section 13 shall be maintained by the Executing Officer in the form of a register. Besides the details referred to in the said sub-section, the register shall also contain uptodate information regarding the names of transferees and successors in respect of the lands.

12. Publicity shall be given to the notice under sub-section (3) of section 13 by hand bills which shall be distributed freely through village officers and a copy of which shall also be affixed in the village chavadi or in any conspicuous place in the village or villages in which the lands to which the record relates are situated.

13. Before revising the record under sub-section (5) of section 13, the Collector shall give separate notices to the persons affected by such revision. The notices shall be served in the same manner as the notices under sub-section (3) of section 5. The notice shall prescribe the last date for the receipt of objections by the Collector. The Collector shall then consider the objections if any and decide the question of revision of the record. The fact of such revision shall be published in the same manner as the notice referred to in sub-section (3) of section 13.

14. The notice referred to in section 15 shall contain a description of the land, name of the owner, the designation of the Officer who will enter upon, survey and demarcate the land and do all other acts under the said section and also the date or date on which he will do those acts. The notice shall be served in the same manner as the notice under sub-section (3) of section 5.

15. Any person applying for inspection of the records, documents, plans or maps as provided in sub-section (2) of section 18, shall make an application in writing to the Collector of to the Executing Officer, who shall permit the applicant to inspect the same after collecting from him an inspection fee of Re.1 /- forevery day of inspection. Such fee shall be paid in cash to the officer granting permission for inspecting xx them, or into a Government Treasury under the head "XXIX Agriculture - Agricultural Receipts - Miscellaneous Receipts". Any person desiring to obtain copies of such records, documents, plans or maps shall apply in writing to the Collector of or the Executing Officer and shall pay a sum of Rs.5 for each set of copies of records, documents, plans or maps (or parts thereof) pertaining to each survey number or contiguous holding. The amount shall be paid in cash to the officer issuing the copies or into a Government Treasury under the head "XXIX Agriculture - - Agriculture receipts - Miscellaneous Receipts" . The Collector or Executing Officer shall thereupon issue the copies of the records, documents, plans or maps.

16. Under section 19 the Collector may delegate in writing any of the powers conferred on him under the Act except the appellate and the revisional powers conferred on him under sub-sections (4) and (5) of section 13, to any officer in the district, or having jurisdcition over the district or any

part thereof.

By Order of His Excellency the Governor

(True Copy)

(Sd) P.S. Wickramatilaka Iyer

Secretary to the Govt.

Superintendent.

RB: 25-9.

DRAFT RULE PREPARED BY THE D.A.

The amount payable under sub-section (1) or sub-section (4) of section 9, if not paid in a lump sum, shall be paid together with interest at .... per cent per annum in equated annual instalments not exceeding twenty in number. The first instalment shall be paid two years after the completion of the work.

REMARKS OF THE BOARD OF REVENUE.

This rule provides for the recovery of the amount payable by ryots under Section 9(5) of the Act, in 20 equated annual instalments. The Director of Agriculture has proposed the recovery free of interest. The Act contemplates recovery with interest but the Board sees no objection to the rule as proposed by the Director of Agriculture. If however the Government consider that interest should be charged, the same rate as under the L.I.L. Act may be adopted and the draft rule suitably modified.

Dev. (P&D) Dept.

The points for consideration are

(1) whether interest should be charged; and

(2) in how many instalments the cost of the improvements should be collected from the ryots.

(1) The Act contemplates recovery of interest also (Section 9 (5)). In the case of the Ceded Districts scheme, the D.A. suggested that interest need not be collected as the improvements proposed are quite new to this State but no specific orders were passed on this point. As the rules are meant, however, to be of general application, it is perhaps desirable to provide for the recovery of interest also, leaving the question whether interest should be recovered in the case of specific schemes to be settled by executive instructions. If this is approved, the Board's Suggestion at 'A' above may be accepted. For orders.

2/

Finance may see for remarks.

I do not consider it necessary to refer to interest in the rules. Legal may advise.

Sd/- xx
13-3-50.

P.S.V.
14-3-50.
Legal

Food and Agri (L).

If no mention of the interest is made, interest will be recovered, in pursuance of section 9(5) of the Act It is therefore necessary to decide whether it is desirable to waive the recovery of interest, in which casethe draft rule submitted by the Development may stand.

This Dept. may agree that the number of intalments may be 10 for uniformity's sake. Legal and Finance Depts may also see.

Sd/-
18-10

Finance (Ex.C)

The proposal at B on p. 19 above may be agreed to in Finance.

Sd/-xx

Recovery of interest on the amounts payable by the ryots:- The Act provides for the recovery of interest on the amounts payable under sub-sections (1) and (4) of Section 9 of the Act. Interest is payable on the loans granted under the L.I.L.Act, and there does not seem to be a strong case to treat differentl the arrears of lands in which works are carried out by the Govt. in pursuance of this Scheme. Finance may suggest that it does not seem necessary to provide in the rules for the waiver of recovery of interest, and that the provision in sec. 9(5) of the Act may be allowed to stand, as it is.

rule suggested above may be made.

Sd/-
23-8-50.

The alteration indicated by Legal may be accepted.

Sd/-
30-8-50.

DRAFT RULE PREPARED BY THE D.A.

11. When there are more than two or three owners the amount due under section 9, sub section (1) or sub section (4), shall be apportioned the owners in proportion to the area they enjoy which shall be decided by the sale deeds or partition deed or on patta and kist receipts or certificates from the village officers.

REMARKS OF THE BOARD OF REVENUE

This rule relates to apportionment of cost when there are 2 or more owners of a land and provides that the cost shall be apportioned in proportion to the area enjoyed by each which shall be decided by sale deeds, or partition deeds or on patta and kist receipts, or certificates from village officers. The apportionment between joint owners will be a complicated task. The best course will be to make the joint owners jointly and severally responsible as in the case of land revenue while, in practice, collection may be made according to the respective shares. As however, the Act -- Section 23(2) (c) contemplates a rule being made for apportionment the proposed rule is the best in the circumstances and may be allowed to stand subject to the following slight modification:--

Certificate from the village officers contemplated in the rule will not be a proper criterion for apportionment. the words "which shall be decided by sale deeds or partition deeds or on patta and kist receipts or certificates from village Officer's" may be omitted and the words "which shall be decided by a summary enquiry by the executive officer with

with reference to the relevant records" may be substituted. If necessary, executive instructions may be issued later in regard to the apportionment.

Dev. (P&D) Dept.

This Deptt. may agree with the Board of Reveneu and the rule may be redrafted as follows:- "6. Where there are two or more owners in respect of the same land, the amount payable under sub-section (1) or sub-section (4) of Section 9, shall be apportioned among such owners in proportion to the areas they enjoy, which shall be decided by a summary enquiry by the Executing Officer with reference to the relevant records". For ...ers.

Revenue Deptt. may perhaps see for remarks, if any.

P.S.V.
15-3-50.

Revenue Department.

To A.S.

This Dept. may agree with the proposal or Develo ment at X above. For orders.

Sd/-
22-3-50.

FINANCE DEPT.

Finance mayagree that the rule may be redrafted as at X on p. 21 above.

Sd/-
24-3-50.

LEGAL DEPT.

The alterations indicated in red ink in the redraft proposed by Devt. on p. 21 ante may be made.

Sd/- xx
28-3-50.

Dev.(P&D) Dept

No further remarks.

Sd/-x
1-4-50.

(True Copy)

RB: 3-9.

Superintendent.